

Sec. 2. All federal grants to and the federal receipts of the agencies appropriated funds under this division are appropriated for the purposes set forth in such federal grants and receipts.

Approved June 5, 1978

CHAPTER 1018

SOCIAL SERVICES

S. F. 2163

AN ACT relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1978-1979
Fiscal Year

DISTRICT ADMINISTRATION AND
CENTRAL ADMINISTRATION

1. For the administration of district, central and local offices including salaries and support \$ 17,300,000

2. It is the intent of the general assembly that the state fully fund the food stamp program and not charge back to the counties the fifty percent of administrative costs not covered by federal funds. However, counties shall continue to furnish and pay for the office space presently in use by personnel administering the food stamp program.

3. The provision of subsection nine (9) of section nineteen A point nine (19A.9) of the Code which restricts employment of intermittent employees to not more than a specified number of calendar days in any twelve-month period without examination, shall not apply during the period beginning on July 1, 1978 and ending June 30, 1979 for thirty-eight intermittent employees who are employed in field offices by

the department of social services. It is the intent of the general assembly to authorize the continued employment during the 1978-1979 fiscal year of persons employed to assist in meeting the current high demand for income maintenance and related services and to permit the department to avoid the cost of training new employees. Any such employee of the department of social services who has been employed and classified as an intermittent employee after August 1, 1975 for twelve consecutive months or more shall be eligible to receive the same fringe benefits for fiscal year 1978-1979 as any other person employed under the provisions of chapter nineteen A (19A) of the Code. It is further the intent of the general assembly that when a vacancy occurs in any permanent full-time position for which any intermittent employee whose employment is continued under this Act is qualified, that employee or those employees shall be given an opportunity to fill the vacant position as a permanent merit employee. Each such intermittent employee, upon being transferred to full-time merit employee status, shall be given credit for all benefits which that employee has accrued as an intermittent employee of the department.

Sec. 2. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section one (1), subsection three (3), is amended to read as follows:

3. Medicaid Management Information System (MMIS)

For development and implementation of medicaid management information system \$ 140,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this subsection shall not revert to the general fund until June 30, 1979. The department of social services shall submit to the joint budget subcommittee on social services, during the 1979 Session of the general assembly, a written report on the status of the medicaid management information system.

Sec. 3. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section twenty-one (21), subsection two (2), is amended by adding the following new unnumbered paragraph:

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered and unobligated funds appropriated by this subsection shall not revert to the general fund until

June 30, 1979. The department of social services shall submit to the joint budget subcommittee on social services, not later than January 20, 1979, a written report on the status of the second opinion project.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1978-1979
Fiscal Year

FAMILY AND CHILDREN SERVICES:

For the operation of the following institutions:

- 1. State juvenile home at Toledo, boys' training school at Eldora, and girls' training school at Mitchellville \$ 5,500,000
- 2. Iowa veterans home at Marshalltown \$ 8,200,000
- 3. Juveniles adjudicated delinquent shall not be placed at the state juvenile home at Toledo.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services for juvenile community-based corrections the sum of one hundred sixty thousand (160,000) dollars, or so much thereof as may be necessary.

1. The department of social services shall continue the program of project grants to communities which are developing community-based juvenile residential correctional programs. It shall work with local communities and the Iowa crime commission to provide incentives to make maximum use of available federal funds. Insofar as practical, the department shall provide technical assistance to local groups which intend to establish or improve community-based juvenile residential correctional programs.

2. Not more than twenty thousand dollars of the above amount may be used by the department of social services to develop, in coordination with the Iowa crime commission and its state juvenile justice advisory council, a state juvenile services plan.

3. The objective of the general assembly is to plan for and encourage the development of statewide community-based juvenile services which are controlled and supported primarily through local citizen involvement. To be successful, these services should be built upon the intimate involvement of the family, the school, the juvenile court, and the local community. Juvenile services are understood to include, among others, family counseling, emergency foster and shelter care, homemaker services, evaluation, short and long term residential care, crisis intervention, substance abuse counseling, delinquency prevention, and coordination with education, vocational and court services programs.

Sec. 6.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

| | 1978-1979 |
|--|--------------------|
| | <u>Fiscal Year</u> |
| a. Correctional institutions | \$18,725,000 |
| (Fort Madison, Anamosa, Rockwell City, Oakdale, Luster Heights and Mount Pleasant) | |
| b. Riverview release center at Newton and inmate employment program | \$ 1,800,000 |
| c. Community-based correction | \$ 8,175,000 |
| d. Parole services | \$ 900,000 |
| e. For a legal assistance program for inmates of the Iowa state penitentiary, the Iowa state reformatory, and the Iowa women's reformatory | \$ 25,000 |

It is the intent of the general assembly that a legal assistance program be established for inmates of the institutions identified in this paragraph. The purpose of the program shall be to provide civil legal assistance to inmates in matters of child custody, bankruptcy and dissolution of marriage. The office of the citizens' aide ombudsman shall maintain a list of attorneys willing to participate in this program and shall be responsible for the appointment of attorneys under the program funded by this subsection.

Participating attorneys shall receive no more than twenty-five dollars per hour for their services under this program.

2. It is the intent of the general assembly that funds included within paragraph a of subsection one (1) of this section shall be used for the following purposes:

a. Establishment of four additional correctional officer positions at the Iowa women's reformatory, in order to allow correctional officers at that institution to be assigned eight-hour shifts.

b. Establishment of two additional psychiatric nursing positions at the security medical facility, in order to provide nursing coverage on the eleven o'clock p.m. to seven o'clock a.m. shift seven days a week, and to make available up to six beds for women inmates if needed.

Sec. 7. There is appropriated from the general fund of the state to the department of social services for the fiscal period commencing July 1, 1978 the sum of nine hundred fifty-five thousand (955,000) dollars, or so much thereof as may be necessary, for the purpose of unitizing the Iowa state penitentiary and the Iowa state reformatory, and constructing a medium security fence, including a tower, around the medium security dormitory at the Iowa state penitentiary. Unobligated or unencumbered funds remaining on June 30, 1982 from funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

Sec. 8. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of ten thousand (10,000) dollars, or so much thereof as is necessary, to revitalize the furlough programs at the women's reformatory, the Iowa state reformatory and the Iowa state penitentiary.

Sec. 9. Section nine hundred one point seven (901.7), Code 1977 Supplement, is amended to read as follows:
901.7 COMMITMENT TO CUSTODY.

In imposing a sentence of confinement for more than one year, the court shall commit the defendant to the custody of the director of the division of adult corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of such commitment. The court shall make such order as is appropriate for the temporary custody of the defendant pending the defendant's transfer to the custody of the director. The court shall

order the county where a person was convicted to pay the cost of temporarily confining the person and of transporting the person to the state institution where he or she is to be confined in execution of the judgment.

Sec. 10. Chapter two hundred forty-seven A (247A), Code 1977, is amended by adding the following new section:

NEW SECTION. ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the division of adult corrections. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 11. Chapter nine hundred six (906), Code 1977 Supplement, is amended by adding the following new section:

NEW SECTION. ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 12. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of forty thousand (40,000) dollars or so much thereof as is necessary, to be used for the purpose of reimbursing counties for temporary confinement of work release and parole violators, as provided by sections nine (9), ten (10) and eleven (11) of this Act.

Sec. 13. There is appropriated from the general fund of the state to the department of social services for the fiscal year commencing July 1, 1978 the sum of two million ninety-one thousand four hundred forty (2,091,440) dollars or so

much thereof as is necessary, to be used for capital improvement projects deemed necessary by the department for institutions under its jurisdiction or for maintenance of such institutions. The department shall include the construction of a dining room addition at the women's reformatory, demolition of the condemned McCall Hall at the juvenile home, roof replacement for two buildings at the mental health institute at Mount Pleasant, repair of a boiler, pumps and controls at the mental health institute at Clarinda, replacement of a water pump at the mental health institute at Cherokee, and an emergency and contingency fund of fifty thousand dollars in its capital appropriation. The department shall consult with the Iowa national guard about a cooperative effort in the demolition of McCall Hall at the juvenile home prior to expending funds for that purpose. Unobligated or unencumbered funds remaining on June 30, 1982 from funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

Sec. 14. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, for the mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant the sum of twenty-two million five hundred ten thousand (22,510,000) dollars, or so much thereof as may be necessary.

1. The state mental health institutes' daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for the fiscal year.

2. It is the intent of the general assembly that a mental health institute shall not accept physical custody of children alleged to be children in need of assistance on guest status or otherwise, for more than thirty days. It is also the intent of the general assembly that children found to be children in need of assistance shall not be placed in a mental health institute on the basis of that adjudication. The juvenile court may, however, order a commitment to a mental health institute or other appropriate secure facility for the purposes of treatment of a mental or emotional condition, but only after making findings pursuant to the standards set out for involuntary commitment in chapter two hundred twenty-nine (229) of the Code.

3. It is the intent of the general assembly that the division of mental health resources of the department of

social services shall seek alternative funding sources for the chaplain intern program at the mental health institutes at Cherokee and Independence, with the objective of continuing these programs without use of state funds.

4. It is the intent of the general assembly that the superintendents of the mental health institutes at Cherokee and Independence, in discharging the duties imposed on them by section two hundred thirty point twenty (230.20) of the Code, shall consider the costs of the psychiatric residency and chaplain intern programs maintained at those institutes as costs not to be included in the expenditures of those institutes for the purpose of establishing the institutes' respective daily charges to patients, the same as the costs enumerated in section two hundred thirty point twenty (230.20), subsection one (1), paragraphs a, b and c of the Code. It is the objective of the general assembly, in expressing this intent, that the commissioner of social services work to establish more uniform daily charges at the four mental health institutes.

Sec. 15. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, for the state hospital-schools at Glenwood and at Woodward the sum of twenty million four hundred twenty-eight thousand (20,428,000) dollars, or so much thereof as may be necessary. It is the intent of the general assembly that all funds received from client participation shall be deposited in the general fund of the state.

1. The state hospital-schools' per-patient-per-day cost as determined pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection two (2) of this section.

2. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section two hundred twenty-two point seventy-three (222.73) of the Code and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 16. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

| | 1978-1979 |
|---|--------------------|
| | <u>Fiscal Year</u> |
| SPECIAL PROGRAMS DIVISION: | |
| 1. For aid to the blind | \$ 15,000 |
| 2. For aid to dependent children | \$ 47,150,000 |
| 3. For aid to Indians residing on a settlement | \$ 40,000 |
| 4. For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed when: | |
| a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman; or | |
| b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness; or | |
| c. The pregnancy is the result of a rape which is reported to a law enforcement agency or public or private health agency within sixty days of the incident, or the result of incest which is reported in the first two trimesters of pregnancy to a law enforcement agency or the department of social services; | |
| d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled | \$ 79,500,000 |
| 5. For contractual services-medical carrier | \$ 1,140,000 |
| 6. For foster care and subsidized adoptions | \$ 8,400,000 |

It is the intent of the general assembly that funds appropriated by this section may be used to fund services to a child in his or her own home when such service may be an alternative to placement in a foster care home.

It is the intent of the general assembly that the payment for subsidized adoptions shall be raised to a level comparable

to the current foster care rate.

It is the intent of the general assembly that the department of social services shall determine appropriate cost-related rate structures for the foster care and subsidized adoption programs. The department of social services shall report to the joint budget subcommittee on social services regarding that rate structure not later than January 20, 1979.

The department of social services shall not adopt or enforce any rule or policy prohibiting limited corporal punishment of foster children by foster parents licensed by the department. This paragraph shall not prevent promulgation of rules prohibiting malicious, willful and wanton conduct by a foster parent which causes injury or damage to a foster child, or exposes the foster child to danger of such injury or damage.

- 7. For work and training programs \$ 420,000
- 8. For adult and children services and homemaker services \$ 1,500,000
- 9. For state supplementary assistance, including state supplementary assistance for the blind \$ 5,300,000

The department of social services shall explore the possibility of obtaining federal financial participation for residential care facilities, and shall report its findings to the general assembly not later than January 20, 1979.

- 10. For the governor's youth opportunity program \$ 750,000
- 11. For child support recoveries \$ 396,000
- 12. Assistance to child care centers for nonprofit centers only \$ 250,000

Real property shall not be purchased with funds appropriated by this subsection.

- 13. State supplementation to Title twenty (XX) \$ 750,000

a. It is the intent of the general assembly that the department of social services shall submit a budget for the fiscal year 1979-1980 as outlined in the department's management control report, which is developed by organizational structure or areas of responsibility, and accordingly indicates projected program activities, personnel status and budgeted expenditures, and then compared to actual outputs on a monthly basis for purposes of analysis and accountability. This report shall be distributed to members of the general assembly for their review on a periodic basis or upon request to the department. ***

b. It is the intent of the general assembly that for each discrete direct service program or allocation under Title twenty (XX), the department of social services shall spend within fifteen percent of planned amounts of funds. If by March 1, 1979 it becomes apparent that actual direct service expenditures will differ from planned direct service expenditures by greater than fifteen percent in any individual service program, or in total, the department of social services shall, by April 1, 1979 notify the office of the comptroller, the legislative fiscal bureau, and the state Title twenty (XX) advisory committee. Notification shall specify the projected expenditure which varies by more than fifteen percent from the planned expenditure for that service area. The department of social services shall prepare a report on direct service expenditures not within the fifteen percent limit for presentation to the joint budget subcommittee on social services not later than February 1, 1980.

c. It is the intent of the general assembly that the substate allocations formula for local purchase funds under Title twenty (XX) be based upon the formula approved by the state Title twenty (XX) advisory committee as follows:

(1) Fifty percent of the allocation formula for local purchase shall be based on the distribution of persons below the U.S. census poverty level as defined in the most recent census; and

(2) Fifty percent of the allocation formula for local purchase shall be based on the previous years local purchase allocation;

(3) All new moneys, or funds in excess of the current federal ceiling, shall be allocated one hundred percent on

*** Item veto

the basis of the percentage of people below the poverty level according to the most recent census.

(4) Reallocation or redistribution of local purchase funds shall be based on service utilization.

e. It is the intent of the general assembly that the department of social services shall by January 1, 1980 provide the following information on the Title twenty (XX) program to the joint budget subcommittee on social services:

(1) Unit cost data for Title twenty (XX) direct services according to social services district and individual service area.

(2) A comparison, where appropriate, of unit costs for direct services and unit costs for purchased services.

(3) Administrative, program support, and direct program costs for all methods of service delivery under Title twenty (XX).

(4) A comparison of planned and actual expenditures for all methods of service delivery under Title twenty (XX).

(5) A comparison of planned and actual services provided under Title twenty (XX) in each social services district and for each social services program.

(6) A comparison of planned and actual services provided under Title twenty (XX) broken down by eligible client categories.

f. It is the intent of the general assembly that the department of social services expand the citizen participation process under Title twenty (XX) to include:

(1) Citizen input into the determination of appropriate statewide funding levels and allocations for direct services under Title twenty (XX).

(2) Citizen input into the appropriate disbursement and use of federal funds earmarked for special day care.

(3) Citizen input into the actual use of direct services funds under Title twenty (XX) including data on actual expenditures, recipients, and services provided.

The department of social services shall report to the joint budget subcommittee on social services by January 1, 1979 relative to the efforts made to expand the scope of the citizen participation process.

g. It is the intent of the general assembly that mini-Title twenty (XX) funds be disbursed expeditiously to district local purchase systems. Planning for the allocation of mini-Title twenty (XX) funds shall assure that these funds are actually received and used by district Title twenty (XX)

programs rather than reverted to the state general fund. It is also the intent of the general assembly that these funds be used primarily for purchase of service for individuals to meet the state's goal of deinstitutionalization, and avoidance of institutionalization wherever effective and possible.

Sec. 17.

1. It is the intent of the general assembly, in consideration of the Iowa state university of science and technology aid to families with dependent children study, that the schedule of living costs and the payments for persons on the aid to families with dependent children program shall be set as follows:

- | | |
|--------------------------|-----------------|
| a. 1 person | \$145 per month |
| b. 2 person family | \$275 per month |
| c. 3 person family | \$340 per month |
| d. 4 person family | \$395 per month |
| e. 5 person family | \$438 per month |
| f. 6 person family | \$487 per month |
| g. Each additional child | \$ 48 per month |

h. If the amount of assistance determined by the above schedule would be less than a current recipient's payment level determined under the schedule in effect for the 1977-78 fiscal year, the current payment level shall be maintained.

2. The special needs program of the aid to families with dependent children program shall be continued.

3. It is the intent of the general assembly to fully fund the addition to the aid to families with dependent children program as it applies to dependent children through the age of twenty years.

4. It is the intent of the general assembly that the department of social services explore the feasibility of contracting with a third party to provide health insurance coverage for welfare recipients, as authorized by section two hundred forty-nine A point four (249A.4), subsection four (4) of the Code. If it is determined that the cost of such health insurance coverage would be no greater than the current cost the department shall contract for health insurance coverage for welfare recipients. The department shall report to the general assembly not later than January 20, 1979 on its study of the feasibility of instituting third-party payments under the medical assistance program.

Sec. 18. The department of social services shall encourage

voluntary participation of families in paying for a portion of the care delivered to a relative who is a resident in an intermediate care facility. Facility administrators and appropriate department personnel, both state and county, shall be advised as to the proper method of implementing family participation.

Sec. 19.

1. It is the intent of the general assembly that the department of social services shall increase the maximum reimbursement for intermediate care facility services under medical assistance from nineteen dollars fifty cents per day to a payment level fixed at the seventy-fourth percentile of all intermediate care facilities under the medical assistance program ranked on the basis of the reimbursable cost figures certified by the department prior to July 1, 1978 for the first six months of the fiscal year and the cost figures certified prior to January 1, 1979 for the last six months of the fiscal year with the provision that the percentile may be temporarily lowered the last six months of the year within the reasonable limits approved in the plan, if necessary to reduce the average maximum payment for the entire year to twenty-one dollars per day.

2. It is the intent of the general assembly that payment for reserve bed days under the medical assistance program shall be made at eighty percent of the actual reimbursement rate for those beds.

3. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed five hundred thirty-three dollars per month.

4. It is the intent of the general assembly that the department of social services shall review and analyze all of the costs and benefits that might accrue to the state of Iowa and the recipients or potential recipients of medical assistance by implementation of a rule to disallow certification of eligibility of a recipient who has transferred property, a resource or income, contrary to the provisions of section two hundred forty-nine A point five (249A.5) of the Code, and where such property, resource or income, or the identifiable proceeds thereof, is currently available

to the recipient. The department shall make its study and the recommendations based thereon available to the governor and to the general assembly as soon as it is completed.

5. It is the intent of the general assembly that the department of social services shall increase the maximum reimbursement for residential care facility services from eleven dollars per day to twelve dollars fifty cents per day.

6. It is the intent of the general assembly that, in addition to funds appropriated for medical assistance in this Act, the state's share of federal welfare fiscal relief money to be received by Iowa be utilized in the medical assistance program.

7. It is the intent of the general assembly that funds appropriated for medical assistance shall not be used to pay for radiology services provided by a computerized axial tomographic scanner placed in operation in the state of Iowa subsequent to July 1, 1977 unless said computerized axial tomographic scanner has been approved by the state health facilities council of the state department of health.

8. It is the intent of the general assembly that the department of social services develop a method for annually reviewing the current fee schedule for all fixed fee providers under the medical assistance program.

9. It is the intent of the general assembly that, in addition to the funds appropriated by this Act for aid to families with dependent children, the state's share of federal antirecession fiscal assistance funds to be received under Title two (II) of the United States public works employment Act of 1976 be utilized for the aid to families with dependent children program.

Sec. 20. It is the intent of the general assembly that the department of social services shall promulgate rules pursuant to chapter seventeen A (17A) of the Code so that the noninstitutionalized spouse's support of persons receiving medical assistance shall be based on a case-by-case factual determination of the amount of money available for such support.

Sec. 21. Unless otherwise provided, all institutional receipts of the department of social services shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair. A full report of such receipts

retained for institutional use shall be delivered to the legislative fiscal bureau at the end of the fiscal year.

Sec. 22. Each hospital-school shall, upon receipt of any payment made under chapter two hundred forty-nine A (249A) of the Code for the care of any patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services. It is the intent of the general assembly that charges assessed to the county will be credited with one hundred percent of client participation for eligible Title nineteen (XIX) medical assistance patients at the hospital schools, in the calculation of per diem rates.

Sec. 23. It is the intent of the general assembly that if the legislation increasing funding for social services now pending before Congress is passed, and if the Iowa child abuse program is in compliance with federal law, then funds appropriated to the department of social services may be used to match federal funds for child protective services to neglected and physically and sexually abused children, in an amount equal to the amount required to fund the state match for federal funds available to the state for that purpose.

Sec. 24. It is the intent of the general assembly that sixty thousand (60,000) dollars of the appropriation for adult and children services shall be used to fund projects for displaced homemakers. A displaced homemaker is any person who has been primarily a homemaker for at least ten years, has worked for his or her family in the family home, is not gainfully employed, has had or would have difficulty finding employment, has depended on the income of a family member and has lost that income in whole or in part as a result of separation, divorce or the death or disability of that family member, or has depended on public assistance as the parent of dependent children and is no longer eligible for such assistance. The funds referred to in this section shall not be used for tuition.

Sec. 25.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of social services the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used to fund at least one pilot program to provide emergency shelter services and support services to women who are victims of domestic abuse. It is the intent

of this subsection that the commissioner of social services shall consult persons knowledgeable in the fields of health, law enforcement, social services and the law with regard to establishment or selection of pilot programs to be funded under this subsection.

2. For the purposes of this section:

a. "Domestic abuse" means committing assault as defined in section seven hundred eight point one (708.1) of the Code 1977 Supplement under either of the following circumstances:

- (1) The assault is between family or household members who resided together at the time of the assault; or
- (2) The assault is between separated spouses not residing together at the time of the assault.

b. "Emergency shelter services" include but are not limited to secure crisis shelters or housing for victims of domestic abuse.

c. "Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under eighteen.

d. "Support services" include but are not limited to legal services, counseling services, transportation services, child care services, and twenty-four hour information and referral services.

3. General assistance payments may be made to individuals receiving aid to families with dependent children who are residing in a facility which provides shelter services to victims of domestic abuse.

Sec. 26. Notwithstanding the maximum amounts to which sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code limit payment by the department of social services toward the cost of funerals for persons receiving public assistance under chapters two hundred thirty-nine (239) and two hundred forty-nine (249) of the Code, the department is authorized to pay not more than four hundred dollars toward the cost of a funeral for any such public assistance recipient provided that:

1. The total cost of the person's funeral does not exceed one thousand dollars;

2. The decedent does not leave an estate which may be probated, with sufficient proceeds to allow a funeral claim of at least one thousand dollars; and

3. Any payment which is due the decedent's estate or beneficiary by reason of the liability of any life insurance

or death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent shall be deducted from the department's liability under this section.

The provisions of sections two hundred thirty-nine point nine (239.9) and two hundred forty-nine point nine (249.9) of the Code shall be of no force or effect during the fiscal year beginning July 1, 1978 and ending June 30, 1979.

Sec. 27. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in such federal grants or receipts except the veterans per diem payable for veterans at the veterans home shall be deposited in the general fund.

Sec. 28. No funds appropriated by any provision of this Act, except sections seven (7) and thirteen (13), shall be used for capital improvements.

Sec. 29. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, none of the funds appropriated by this Act shall be transferred to or used by any agency other than the department of social services.

Sec. 30. NEW SECTION. Foster parents licensed by the department of social services stand in the same relationship to their minor foster children, for purposes of tort actions by or on behalf of a foster child against that child's foster parents, as do natural parents and their minor children who reside at home. This section shall not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child, or exposes the foster child to a danger prohibited by either the rules or regulations of the department or of the placement agency.

Approved June 22, 1978 except the item designated as subparagraph "a" of Subsection 13 of Section 16 herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Robert D. Ray
Governor

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit to you Senate File 2163, an act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services.

Senate File 2163 is approved June 22, 1978, with the following exception which I hereby disapprove.

I am unable to approve that item of the bill designated as subparagraph "a" of Subsection 13 of Section 16 which reads as follows:

- a. It is the intent of the general assembly that the department of social services shall submit a budget for the fiscal year 1979-1980 as outlined in the department's management control report, which is developed by organizational structure or areas of responsibility, and accordingly indicates projected program activities, personnel status and budgeted expenditures, and then compared to actual outputs on a monthly basis for purposes of analysis and accountability. This report shall be distributed to members of the general assembly for their review on a periodic basis or upon request to the department.

I am pleased to discover that the new control procedures instituted at the Department of Social Services have, in fact, captured both the interest and confidence of the legislature. Documents such as the "Management Control Report" are examples of the application of innovative and proven management techniques to a difficult to manage area...the delivery of human services to our needy. That report has been made available to the legislature, even as it was being developed. While the legislature's effort in subparagraph "a" of Subsection 13 of Section 16 of Senate File 2163 is clearly an attempt to expand on a useful tool, it is subject to varying interpretations in its awkward phrasing. A budget for 1979-1980, as called for in this bill, even for Social Services, cannot be prepared until an aggregate budget is prepared by the Executive Branch. Preparing one at this time would be premature and inappropriate.

There is another problem--that of a biennial budget. Subparagraph "a" is unclear as to when this special budget shall be submitted by the Department of Social Services. In fact, it cannot be finalized until determined by the General Assembly.

Long-standing state law has provided that departments submit biennial budget requests to the Governor, who in turn reviews them and submits his biennial budget recommendations to the General Assembly. This is a most important aspect for the Governor in his responsibility to supervise and coordinate the fiscal matters of state departments.

This administration has and will continue to encourage departments to do careful planning when comparing their expenditures with their achievement of goals. That information has and will continue to be available to our legislators. We invite the General Assembly's interest and support of sound management practices such as those referred to in subparagraph "a", and we are eager to share our working tools with them.

Accordingly, Chapter 8 of the Code of Iowa establishes an executive-initiated budget which should not be circumvented through somewhat unclear requests. If this provision were allowed to stand, we would experience a fragmented approach to the state budget especially when applied to a single department. Requiring, as this would, the expensive process of preparing two separate budgets, without correlation to the procedure followed for other departments, could be substantially disruptive.

For the above reasons, I hereby disapprove the aforementioned item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2163 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

CHAPTER 1019

TRANSPORTATION, PUBLIC SAFETY AND PUBLIC DEFENSE

H. F. 2290

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state to the Iowa crime commission for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1978-1979

Fiscal Year

IOWA CRIME COMMISSION

1. For the purpose of matching federal funds available to the Iowa crime commission for